

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	Case No. 04-00244-06-CR-W-FJG
Enrique Cazarez,)	
)	
Defendant.)	

ORDER

Pending before the Court is defendant's motion to dismiss for pre-indictment delay (Doc. #415), filed February 1, 2005, and the government's response (Doc. #416), filed February 1, 2005.

On September 27, 2005, Chief Magistrate John T. Maughmer entered a report and recommendation (Doc. #660) which recommended denying the above-mentioned motion. Defendant's objections to the Chief Magistrate's report and recommendation were filed on October 12, 2005 (Doc. #678).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to dismiss for pre-indictment delay (Doc. #415), filed February 1, 2005, must be denied.

Accordingly, it is

ORDERED that the chief magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to dismiss for pre-indictment delay (Doc. #415), is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: October 17, 2005
Kansas City, Missouri